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Gina McCarthy

Administrator

U.S. Environmental Protection Agency
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Washington, D.C. 20460

Congress of the United States
House of Representatives
Washington, DC 20515-0301

May 22, 2015

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Dear Administrator McCarthy:

I am writing to express my concerns regarding the Waters of the United States (WOTUS) proposed rule that the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers published jointly last year. I am troubled that this rule could have significant economic consequences for Arizona's rural electric cooperatives and the customers they serve.

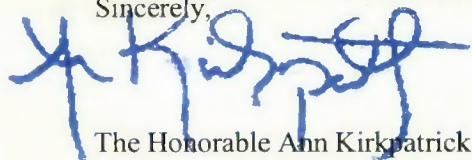
I support the protection of water quality. But further expansion of Clean Water Act (CWA) jurisdiction under the broadly worded and somewhat ambiguous definitions contained in the proposed rule is overly ambitious. I understand the need for further clarification in light of recent Supreme Court decisions. However, the proposed rule would dramatically expand CWA jurisdiction on electric cooperatives' projects and activities making the permitting process more burdensome and costly. The scope of CWA jurisdiction must be clarified, but justified. Any expansion must consider the economic impact to rural utility providers and their customers, and revisions should be based on scientific fact.

Additional regulation must provide the opportunity for an ongoing dialogue and consultation with states, affected localities and the private sector community in the implementation of the rule. The proposed rule seeks to dramatically expand federal jurisdiction and would intrude upon existing state prerogatives. Safeguards must be incorporated to ensure that states' rights are not dismissed, and that states and localities have ample opportunity for meaningful input and full evaluation of all information before final CWA jurisdictional determinations are made.

The EPA rulemaking procedure has vastly underestimated the economic costs associated with implementation of the proposed rule. Rural electric cooperatives and their customers would be adversely impacted economically under the current proposed rule. A critical and thorough examination of the economic implications must be conducted before any finalization of the WOTUS rulemaking.

Thank you for your attention to this matter.

Sincerely,



The Honorable Ann Kirkpatrick
U.S. Representative, Arizona District One